

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN DOE,

Plaintiff,

-against-

ALEYA A. KUSUM, ALI SHARIFF, WELLS
FARGO BANK, NA, and NEW YORK CITY,

Defendants.

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ANSWER

07 Civ. 8479 (AKH)(MHD)

Defendant NEW YORK CITY (the “City”), by its attorney, MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, as and for its answer, respectfully alleges, upon information and belief, as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the complaint.
2. Denies the allegations set forth in paragraph 2 of the complaint, except admits that plaintiff purports to proceed as set forth therein and denies knowledge or information sufficient to form a belief as to whether plaintiff is the owner of a nearby building,.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 3, 4, 5, and 6 of the complaint.
4. Admits the allegations set forth in paragraph 7 of the complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the complaint, except admits that plaintiff purports to proceed as set forth therein.

6. Denies the allegations set forth in paragraph 9 of the complaint, except admits that venue is properly laid in the Southern District of New York.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 10, 11, 12, and 13 of the complaint.

8. Denies the allegations set forth in the first and last sentences of paragraph 14 of the complaint and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in that paragraph.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 of the complaint.

10. In response to the allegations repeated and realleged pursuant to paragraph 16 of the complaint, defendant repeats and realleges the responses set forth in the corresponding paragraphs of its answer as if fully set forth herein.

11. Denies the allegations set forth in paragraph 17 of the complaint.

12. Denies the allegations set forth in sentence one of paragraph 18 of the complaint, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in that paragraph.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 of the complaint.

14. In response to the allegations repeated and realleged pursuant to paragraph 20 of the complaint, defendant repeats and realleges the responses set forth in the corresponding paragraphs of its answer as if fully set forth herein.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 of the complaint.

16. In response to the allegations repeated and realleged pursuant to paragraph 22 of the complaint, defendant repeats and realleges the responses set forth in the corresponding paragraphs of its answer as if fully set forth herein.

17. Denies the allegations set forth in paragraph 23 of the complaint, except denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in sentence one of that paragraph.

18. Denies the allegations set forth in paragraphs 24, 25, and 26 of the complaint.

19. In response to the allegations repeated and realleged pursuant to paragraph 27 of the complaint, defendant repeats and realleges the responses set forth in the corresponding paragraphs of its answer as if fully set forth herein.

20. Denies the allegations set forth in paragraphs 28 and 29 of the complaint.

FIRST AFFIRMATIVE DEFENSE

21. Plaintiff fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

22. Plaintiff does not have standing to assert the claims set forth herein.

THIRD AFFIRMATIVE DEFENSE

23. The City has not violated any rights, privileges, or immunities secured to plaintiffs by the Constitution or laws of the United States, nor has it violated any act of Congress providing for the protection of civil rights. Any actions complained of herein were in all respects legal, proper, and constitutional.

WHEREFORE, the City respectfully requests judgment dismissing the complaint, and awarding costs and disbursements to the City, together with such other and further relief as to the Court may seem just.

Dated: New York, NY
October 23, 2007

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for the City Defendant

By: _____

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